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SUBJECT: SPAIN - ANNUAL TRAFFICKING IN PERSONS REPORT - 2004

REF: STATE 07869

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Following is Embassy Madrid input on Spain for the annual Trafficking in Persons (TIP) Report. Embassy POC is Political Officer Joseph Babb, tel. (34) 91 587-2294, fax (34) 91 587-2391. The following text is keyed to the questions/sections in reftel. Staff hours spent in preparation of the report includes the following:
Deputy Chief of Mission: 2 hours
Political Counselor - FE-OC: 6 hours
Consul General - FE-OC: 2 hours
Consul General, Barcelona - F0-01: 0.5 hour
Public Affairs Officer - FE-OC: 1 hour
Deputy Political Counselor - FS-02: 8 hours
Political Officer - FS-04: 60 hours
Political Assistant - LES-9: 7 hours
Political Assistant, Barcelona - LES-9: 0.75 hour
Consular Legal Advisor - LES-11: 6 hours
Consular Assistant - LES-8: 7 hours
Dept. of Homeland Security Officer in Charge: 3 hours
Dept. of Homeland Security Asst. Officer in Charge: 3 hours
Political Intern: 8 hours

Spain - 2004 Trafficking in Persons Report Responses

18. OVERVIEW

1A. Spain is a destination and transit country for trafficked persons. Information on trafficking in persons comes from the Ministry of Interior (which includes the Civil Guard and National Police) and an NGO contracted by the government to provide victims assistance, Project Hope (Proyecto Esperanza). All sources are generally reliable. The Spanish National Police (SNP) reports that 1,527 victims of trafficking in persons were liberated in 2003. The majority were victims of sexual exploitation. Sexual trafficking in Spain almost exclusively involves women victims, with no identifiable reports of male victims and only one reported case of a minor under 17 years of age. Project Hope reports that victims they assisted were in the following age ranges: under 17 yrs - 1%; between 18 and 25 yrs - 70%; between 26 and 30 - 22%; older than 30 yrs - 4%; unknown age - 3%. According to a victim's profile study by the Spanish National Police, persons most at risk of being trafficked are young women with low education and few economic resources, with the majority (77%) coming from five countries: Romania, Russia, Brazil, Colombia and Nigeria. Trafficking does occur inside the country's borders. There are no areas of Spain that are outside of government control.

1B. Trafficked victims arrive from three major regions: Eastern Europe (Romania, Russia, Bulgaria, Ukraine), Latin America (Brazil, Colombia, Ecuador), and sub-Saharan Africa (Nigeria, Guinea Conakry). Trafficking in Asians, normally Chinese, is much less frequent, and is divided between those brought to Spain for work in sweatshops and service industries and those transiting to the U.S. and Canada. Spain is a destination point for the majority of persons trafficked, especially those from Latin America and Eastern Europe. Some African groups use Spain as a transit country for travel to France and Germany.

1C. Overall numbers of victims of sexual exploitation and the number of arrests for trafficking remained comparable to the prior period. Of the five major countries of origin, the only significant change was in the number of victims from Brazil, which doubled from the prior year.

1D. The SNP maintains a special unit, the Immigration Networks and Falsified Documents Unit (UCRIF), that deals with trafficking in persons, and the UCRIF Intelligence Unit analyzes trends and statistics year-round. UCRIF also coordinates efforts and shares data on trafficking with the Civil Guard and Interpol. Regional SNP offices conduct reviews every three months to set goals in combating trafficking and to assess success in meeting goals from the prior period. The regional units receive financial benefits

from the Ministry of Interior for meeting their goals. Data available this year, which was not existent last year, includes a comprehensive report from the UCRIF Intelligence Unit, which includes 2003 arrest statistics, victims statistics, victim profile, legal codes used in prosecuting trafficking, information on cooperative efforts and inter-ministerial programs, and maps of major routes used by international trafficking rings for trafficking into Spain. Development of this comprehensive assessment on the nature and extent of trafficking in and through Spain was a specific goal set by G/TIP for the Spanish government. Also available this year was a November 2003 report from the University of Deusto on trafficking in persons in Spain.

¶E. Victims are trafficked into Spain for both sexual exploitation (most frequently involving prostitution and work in nude dancing and alternative clubs) and labor exploitation (primarily agricultural, construction, and domestic employment). Methods used by traffickers to maintain control of their victims include physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family.

¶F. Spain is generally not a country of origin for trafficking.

¶G. There is political will at the highest levels to combat trafficking and the government makes a good faith effort to seriously address trafficking. The second-ranking official in the Ministry of Interior coordinates anti-trafficking efforts. Anti-trafficking efforts also receive support from the Office of the President, Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. There were no instances reported of government officials involved in trafficking. Though government corruption is not a problem in Spain, isolated instances of official misconduct have been aggressively prosecuted in the past. No cases of government corruption were reported this year. The government commits resources from the Civil Guard and police authorities to control borders and investigate trafficking activities, and commits resources from the Ministry of Justice and the Ministry of Labor and Social Services to prosecute violators, inspect workplaces, and assist victims. The government also funds NGO groups who provide assistance to victims.

¶H. There were no instances of government officials facilitating or condoning trafficking, taking bribes, or in any way assisting in trafficking operations.

¶I. Willingness of victims to press charges remains the main limitation in combating trafficking. This is despite Spanish provisions for witness protection and availability of visas for those who testify against trafficking rings. No limitations exist in funding for police or other governmental institutions, nor was corruption a problem. Project Hope, the principal NGO contracted for victim assistance, reports that current year funding from the government was increased, and that they have no funding limitations for their programs.

¶J. The National Police's UCRIF Intelligence Unit maintains ongoing monitoring of trafficking trends, and statistics. Regional SNP units review their anti-trafficking efforts every three months and receive financial benefits for achieving goals. The SNP and Civil Guard participate in ongoing coordination and data-sharing with the Interpol and Europol, and the Ministry of Interior coordinates and evaluates anti-trafficking efforts inside the Spanish government. Information on anti-trafficking efforts, statistics and trends are available publicly through the SNP and Civil Guard.

¶K. Prostitution, in itself, is decriminalized in Spain. However, as of September 30, 2003, it is illegal for anyone to profit from prostitution other than the actual prostitute. This law makes it illegal for pimps or brothels to receive money from the prostitute's activities, even if the prostitute consents to it. Also, as part of a joint City of Madrid and Ministry of Labor and Social Services anti-prostitution educational campaign launched in January 2004, the Madrid city government announced it was studying a system of fines and jail sentences for clients of prostitution, using the Swedish system as an example. Spanish law prohibits involvement of minors in prostitution (under age 18), and prohibits activities associated with trafficking in persons, including the use of force, violence, threats or fraud for sexual exploitation. Prison sentences for the latter offenses are specified as 5 to 10 years, with 12 to 15 year sentences possible for aggravating circumstances. These sentences are higher than the previous year, as in September 2003 the Spanish Senate passed a tougher anti-trafficking law. Passage of this law was one of the specific goals set out in G/TIP's objectives for Spain.

¶L. There were no reports of the buying or selling of child

brides in Spain.

19. PREVENTION

A. The government acknowledges that trafficking is a problem and takes measures to address the problem.

B. Spain commits resources of the Ministry of Interior (SNP and Civil Guard), Ministry of Labor and Social Services, Ministry of Justice, Ministry of Education, Ministry of Culture and Sports, Ministry of Public Administration, and the Ministry of Health and Consumer Affairs. Spain also funds several NGO groups that provide assistance to victims of trafficking.

C. Spain sponsors programs to educate women victims of violence about social services and to encourage women to report instances to the police and to press charges. Project Hope reports that 89% of women that they assist now press criminal charges, a rate which is much higher than that associated with victims of labor exploitation, which remains minimal. In January, the Madrid city government, in conjunction with the Ministry of Labor and Social Services, announced the beginning of an anti-prostitution and anti-trafficking in women education campaign that will target the clients of prostitutes.

D. The government supports programs to increase employment opportunities for women. NGOs funded by the government provide work training and job placement services for women liberated from trafficking rings to give them an alternative to returning to prostitution.

E. Governmental agencies and victim assistance NGOs report that funding resources are sufficient to operate their programs.

F. NGO representatives report that they have good and open relationships with governmental agencies and officials. Project Hope reports that it cooperates well with the Spanish National Police, is actively informed of victims of trafficking, and is included in trafficking in persons training programs for recruits at the SNP's academy in Avila.

G. The government adequately monitors its borders, especially committing resources to the Civil Guard to patrol its sea borders, where illegal immigration is particularly dangerous due to hazardous crossings of open ocean and Straights of Gibraltar sea-lanes. The SNP and Civil Guard both monitor immigration patterns for evidence of trafficking. Both agencies respond appropriately to evidence, with cooperation between the Civil Guard and Embassy DHS Immigration Service personnel being especially good.

H. The Ministry of Interior coordinates anti-trafficking efforts and maintains workgroups for the coordination of SNP and Civil Guard activities. Both the SNP and the Civil Guard also participate in coordination and data sharing workgroups with Interpol and Europol. Public sector corruption is not generally a problem in Spain, and anti-corruption investigations would be processed through normal law enforcement and judicial agencies.

I. The government coordinates the anti-trafficking activity of its law enforcement agencies with Interpol, Europol, and EU illegal-immigration working groups. Spain also has cooperative agreements with many North African and Sub-Saharan African nations. Spain has provided French-language training to high-level SNP officials to aid in cooperation with countries in French-speaking Africa. The SNP has actively sought Embassy, RSO, and FBI Legal Attach assistance in finding contacts in African nations to share intelligence related to trafficking-in-persons and illegal-immigration routes and criminal organizations in sub-Saharan Africa. Spain participates in EU and Schengen Group cooperative efforts to combat trafficking from Eastern Europe, particularly with those countries set to join the EU in May. Increasing bilateral cooperation with source countries was a specific goal in G/TIP objectives for Spain, and the increased focus on countries of origin is evident. Of special note, in response to requests by G/TIP in the summer of 2003, officials of both the SNP and Civil Guard offered their assistance to specifically investigate a report of isolated instances of trafficking in persons originating from Latvia. Embassy also transmitted these offers of assistance.

J. The government has a National Immigration Plan that addresses combating illegal immigration into Spain, which is a major component in preventing trafficking. The Ministry of Interior coordinates anti-trafficking efforts within workgroups involving its law enforcement agencies, the Ministry of Labor and Social Services, the Ministry of Justice, Interpol, Europol, and NGOs responsible for victim assistance. NGOs report that the government consults with

them in coordinating programs, and the principle NGO, Project Hope, is included in anti-trafficking training for law enforcement officers. Plans, analyses, and statistics are available through the SNP and Civil Guard.

1K. The Ministry of Interior takes the lead in directing anti-trafficking efforts.

20. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. Spain has specific laws to prohibit trafficking in persons and other activities related to sexual and labor exploitation. These laws are applied in practice and are adequate to cover the full scope of trafficking in persons. The law prohibits trafficking in persons from, through, or to Spain. The law also prohibits trafficking in workers; sexual exploitation involving violence, intimidation or fraud; the sexual exploitation of minors, including use for prostitution or pornography; forging or certifying false government documents; and illicit association with trafficking in persons networks. The Organic Law for Specific Measures Related to Citizen Security, Domestic Violence and the Social Integration of Foreigners was passed by the Spanish Senate in September 2003. This section of the Organic Law increased the penalties for trafficking in persons (from 2 to 4 years previously, to the current 5 to 10 years) and other activities related to trafficking, such as trafficking for sexual exploitation, the use of threats, violence or fraud, the involvement of minors, or the placing of the victim's life in danger (these latter offences increasing the penalty to 6 to 12 years). Passage of this law was a specific goal for Spain in the country objectives set by G/TIP last summer.

1B. The penalty for trafficking in persons for sexual exploitation is 5 to 10 years in prison, increasing to 6 to 12 years if aggravating circumstances are present. The penalty for trafficking in persons for labor exploitation is 2 to 5 years and a fine.

1C. The penalty for rape is 6 to 12 years in prison, increasing to a possible 15 years with aggravating circumstances. The penalty for sexual assault is 1 to 4 years in prison, increasing to 4 to 10 years with aggravating circumstances.

1D. The SNP reports a total of 677 trafficking networks dismantled, with 2,028 responsible individuals arrested in 2003. Sentencing guidelines call for 5 to 10 years in prison, with an increase to 6 to 12 years with aggravating circumstances. Detailed data of individual sentences are recorded at the local and regional jurisdiction levels, and the Spanish General Council of the Judiciary is tabulating these records to provide the Embassy statistics on sentencing for trafficking crimes. This effort should be completed shortly. The Embassy's Locally Employed Staff lawyer in the Consular Section conducted a sampling of individual sentencing records that are available on an Internet site for Spanish legal professionals. All records sampled were covered by the pre-September 2003 sentencing guidelines of 2 to 4 years, and showed an average sentence of three years for trafficking offences. Once sentenced, Spanish prisoners must generally serve 75% of their sentences before being eligible for parole.

1E. Trafficking into Spain is generally controlled by organized criminal gangs, who are especially prevalent in trafficking for sexual exploitation. The largest such groups are Romanian criminal organizations that traffic prostitutes, often luring victims with false offers of employment. Victims and the criminal organizations that traffic them are generally of the same nationality. There were no reports of involvement by Spanish government officials, and government corruption is not a problem in Spain. Profits from trafficking both stay with the traffickers in Spain and are channeled back to associates of the same criminal organization in the country of origin.

1F. The government actively investigates cases of trafficking. Law enforcement agencies are permitted by law, and use in practice, active investigative techniques such as phone taps, undercover operations and surveillance activities.

1G. The government provides specialized anti-trafficking-in-persons training to law enforcement agencies. Training is provided to recruits at the Spanish National Police Academy in Avila, and is also mandatory for candidates for promotion to the inspector level. The NGO Project Hope has been involved in teaching courses on trafficking in persons and victims assistance at the SNP Academy.

1H. Spain cooperates with several countries of origin, as well as with the EU, Interpol and Europol, to investigate trafficking cases. The SNP reports that in 2003, they cooperated in investigations in countries of origin that resulted in the arrests of 303 individuals and the

dismantling of 194 organized trafficking networks.

I. The government can extradite persons charged with trafficking, including its own nationals. Spanish officials identified seven extraditions for trafficking-related offences this period (three Romanians, and one each from Lithuania, Albania, Ukraine, and the Czech Republic).

J. There is no evidence of government involvement in trafficking or tolerance of trafficking at any level of the government.

K. There were no cases of government officials involved with trafficking in persons this period.

L. The government has ratified all of the mentioned instruments. Dates of ratification are:
ILO Convention 182 - April 2, 2001
ILO Convention 29 - August 29, 1932
ILO Convention 105 - November 6, 1967
Optional Protocol to the Convention on the Rights of the Child - December 18, 2001
Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children - March 1, 2002

21. PROTECTION AND ASSISTANCE TO VICTIMS

A. The government provides assistance to trafficking victims. Medical attention is provided through the national health care system. The government funds various NGOs to provide shelter, counseling and psychological assistance, legal assistance, job training, placement and reinsertion services, and assistance in obtaining visas that are available for victims who testify against traffickers. The primary assistance NGO, Project Hope, reports that financing by the government was increased this year and that its funding is sufficient to implement their programs. Providing additional support for comprehensive victims assistance services was a specific goal set in the G/TIP objectives for Spain last summer. With increased funding this year, Project Hope reports that problems with providing victims services at peak volumes, which had been a problem in previous years, has been resolved for this 2003-2004 period. HIV/AIDS tests are provided to trafficking victims. Project Hope reports that there is a low percentage of positive tests.

B. The government funds NGOs to provide the majority of victim assistance services. NGOs submit annual proposals for services to the government and receive yearly grants to fund those proposals.

C. Trafficking victims are referred directly from the SNP and Civil Guard to Project Hope, or other NGOs in areas not served by Project Hope.

D. Trafficking victims who agree to cooperate in the prosecution of traffickers receive special treatment and are processed separately from the criminal population. Those who fulfill promises to testify are eligible for visas to stay in Spain, and the victim assistance NGOs aid those individuals in applying for visas. Those victims who choose not to cooperate are repatriated, which must legally occur within 40 days. Project Hope provides those waiting for repatriation with all their normal services, except for the visa application aid. Victims who testify do not face prosecution for prostitution, and can have their immigration status normalized by means of the previously described visas.

E. The government actively encourages victims to assist in the investigation and prosecution of traffickers. Victims may seek legal action against traffickers and receive restitution from them, though this process is combined with the criminal prosecution, not in a separate civil suit as in the United States. Government-funded NGOs provide legal assistance to victims and no impediments to access to legal redress were reported. Victims testifying against an employer may seek visas that allow for employment in Spain. There is a victims restitution program.

F. The government may provide witness protection in the form of allowing witnesses to remain anonymous, detailing police escorts and providing economic assistance. The government provides these protections in practice to victims the presiding judge determines to be at risk.

G. The government provides specialized training (in both recognition of trafficking and in victim assistance) to law enforcement officers at the academy recruit level, and again for candidates for promotion to inspector. Project Hope is involved in the recruit training, which is held at the SNP Academy in Avila. The chief and deputy-chief of the SNP's UCRIF Unit have been involved in the training for the inspector candidates. Spain provides financial and repatriation assistance to its citizens at its embassies and consulates; however, the Ministry of Foreign Affairs' Consular Division reports that they have never received reports of Spaniards becoming victims of trafficking rings

overseas. Spain is almost exclusively a destination country for trafficking. The SNP does consult with Spanish embassies and consulates on trafficking in persons investigations.

[H.](#) The government provides for medical assistance, economic assistance and repatriation for its citizens through Spanish embassies and consulates, however, the Ministry of Foreign Affairs says it is not aware of Spanish citizens becoming victims of trafficking.

[I.](#) NGOs are funded by the government to provide victims assistance, including shelter, legal aid, counseling and psychological assistance, and job training, placement and reinsertion services. NGOs funded include Project Hope, the Association for Attention, Prevention and Reinsertion of Women Prostitutes (APRAMP), the Voluntary Association of Dominican Mothers (VOMADE), Association for Cooperation in the South-the Segovias (ACSUR), Association of Raped Women, General Association in Defense of the Rights of Prostitutes (HETAIRA), Villa Teresita Safe House, CARITAS, the Red Cross, and Hermanos Oblatas. The main NGO contractor, Project Hope, reports that the NGOs cooperate fully with both the SNP and the Civil Guard.

ARGYROS